

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

RICHARD DASCHBACH and ELCINDA
PERSON, individually, and on behalf of all
others similarly situated,

Plaintiffs,

v.

ADVANCED MARKETING &
PROCESSING, INC. d/b/a PROTECT MY
CAR, a Florida corporation,

Defendant.

Case No. 1:20-cv-706-JL

**DEFENDANT'S ASSENTED-TO
MOTION TO EXTEND TIME TO
RESPOND TO PLAINTIFFS' CLASS
ACTION COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 6(b), Defendant moves for a brief enlargement of time of seven (7) days, through September 1, 2020, to respond to Plaintiffs' Class Action Complaint [DE 1] (the "Complaint"), and in support states as follows:

1. Federal Rule of Civil Procedure 6(b) allows the Court discretion to enlarge time periods for good cause. Here, good cause exists for the requested brief extension of time.
2. Plaintiffs filed their Complaint on June 10, 2020. To avoid unnecessary cost in effecting service, counsel for Defendant agreed to accept service on Defendant's behalf, with Defendant's response due August 25, 2020.
3. Defendant is in need of additional time to prepare an appropriate response to the Complaint because Defendant and its counsel have not completed the retrieval and review of all pertinent documents and complex facts underlying Plaintiffs' claims and allegations on behalf on themselves and the proposed classes. Additionally, Defendant's counsel must prepare for an imminent jury trial in a putative class action in federal court in the Northern District of Texas; attend a meeting among counsel this Friday, August 21; prepare for and attend approximately

half a dozen hearings set for Monday, August 24; and prepare for and attend a mediation set for Tuesday, August 25. All of these obligations require in-person attendance.

4. Defendant's counsel will not be able to assist Defendant in completing the retrieval and review of the relevant documents and information needed to respond to the Complaint, and prepare Defendant's response by the current deadline of August 25, 2020. Accordingly, Defendant is in need of a brief seven (7) day extension of time, through September 1, 2020, to respond to the Complaint.

5. The brief extension sought herein will not result in the continuance of any hearing, conference, or trial. The extension will not result in the need to extend any other deadline set forth in the discovery plan, because no discovery plan has been prepared at this juncture. No deadlines will need to be changed as a result of this Motion.¹

WHEREFORE, Defendant requests that the Court enter an Order granting this Motion and enlarging the time for Defendant to respond to Plaintiffs' Complaint by seven (7) days to September 1, 2020.

STATEMENT OF CONCURRENCE PURSUANT TO LOCAL RULE 7.1(c)

On August 18, 2020, counsel for Advanced Marketing & Processing, Inc., reached out to counsel for Plaintiffs by email to confer in good faith in an effort to obtain concurrence in the relief sought in this Motion, and Plaintiffs' counsel advised that Plaintiffs agree to the extension sought herein.

¹ Defendant acknowledges that Local Rule 7.2(a) also requires that motions to extend time be accompanied by Civil Form 3, reflecting the changes in deadlines. However, since there are no deadlines in this case that would be modified in any way due to the brief extension sought herein, Civil Form 3 has not been included.

Dated: August 19, 2020

/s/ Steven J. Dutton
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Attorneys for Defendant, Advanced Marketing & Processing, Inc.

*Motion for admission *pro hac vice* to be filed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 19, 2020, I electronically filed the foregoing with the Clerk of the Court, using the CM/ECF system, which will send a notice of electronic filing to all counsel of record identified on the attached service list.

By: /s/ Steven J. Dutton
Steven J. Dutton

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